

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CR-185-D
No. 5:16-CV-195-D

JAMES EARL HINNANT,

Petitioner,

v.

UNITED STATES OF AMERICA,


Respondent.

ORDER

On April 25, 2016, James Earl Hinnant filed a motion to vacate, set aside, and correct his 180-month sentence. See [D.E. 51]. On August 16, 2016, the government responded and acknowledged that Hinnant no longer has three predicate convictions to support his 180-month sentence as an armed career criminal. See [D.E. 57]. Thus, the statutory maximum is 120 months. See id. On November 17, 2016, Hinnant filed a motion to expedite and noted that he has served more than 120 months. See [D.E. 58].

Hinnant's motions [D.E. 51, 58] are GRANTED, and his 180-month sentence is VACATED. In light of the amount of time that he has served, Hinnant's sentence is reduced to 120 months' imprisonment. In addition, the court reduces his term of supervised release from five to three years of supervised release. See 18 U.S.C. §§ 3559(a)(3), 3583(b)(2). The remainder of the judgment is unchanged. If Hinnant or the government seek further relief or a new sentencing hearing, the party should promptly notify the court, and the court will schedule a hearing.

SO ORDERED. This 21 day of November 2016.


JAMES C. DEVER III
Chief United States District Judge